



OPERATIONS & DISTRIBUTION CENTER
1300 S. LYNNDALE DRIVE
P.O. BOX 1199
APPLETON, WISCONSIN 54912-1199
920-731-8121

August 7, 2015

Ms. Paula Vandehey, Director of Public Works
100 North Appleton Street
Appleton, WI 54911

Re: Lynndale Avenue Reconstruction
Petition for Vacation of Right of Way

Dear Ms. Vandehey:

We have owned and operated the Fleet Wholesale Supply distribution center at 1300 Lynndale Avenue for several decades. Since that time, our store locations and sizes have expanded, we have enlarged the distribution center and have acquired both the Long and Foremost properties, as well as the former lagoon site. We have just recently acquired the office building at 1200 Leonard Street as well. This was all done to accommodate the growth of our operations in the Midwest. As a result, we now own all of the property on both sides of Lynndale Avenue lying south of Leonard Street and north of the railroad that borders our ownership on the south.

We are aware of the reconstruction done to Lynndale Avenue north of Leonard Street to College Avenue and are aware of your plans to reconstruct the balance of the utilities and road during 2016 and 2017 respectively. We also assume that since we own both sides of the road, much of the cost will be assessed to us as the benefitting property owner.

As our engineer, Bruce Buxton, discussed with you on July 28, 2015, although we do not know exactly what we want to do, we know we need to expand the operations to accommodate what is now 35 stores and soon to be 36. We have had several discussions about the expansion and would expect to be able to make a decision within a year or two. Any expansion would likely interfere with the improvements you are contemplating and require that they be relocated to accommodate our expansion. Obviously, this would result in paying twice for the same services, something no one is interested in doing.

Inasmuch as we control both sides of the road and there is no through traffic on this dead end road, we see benefit in not doing the improvement at all at this time, but rather vacating the road and turning ownership and responsibility over to us. Vacating the road would relieve you of maintenance and repair and hopefully allow you to postpone any work in the area south of Leonard Street.

We, therefore, request that you consider this letter as a petition for vacation of the right of way of Lynndale Avenue South from Leonard Street to the railroad at the southern terminus of Lynndale Avenue. We also request that the right of way be deeded to us, as the abutting owner, subject to the easements needed to operate and maintain the existing utility systems, until they are relocated to a mutually acceptable location.

We would be most happy to have our engineer meet with you and your staff to review the details of this request at your convenience. If you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink that reads "Stewart C. Mills, Jr.".

Stewart C. Mills, Jr.
Co-Owner

cc: Henry C. Mills II
Jeff Meek, CFO
Hugh Leasum, Sr. Dir. Of Operations
Bruce Buxton, Engineer

LYNNDALE DRIVE STREET VACATION

LEGAL DESCRIPTION

All of a strip of land 80 feet in width and 1117.9 feet m/l in length along its centerline and containing 89,431 square feet of land m/l and being further described by:

All that part of Lynndale Drive South of the Westerly extension of the South line of Leonard Street and Northerly of the Northwesterly line of the Wisconsin Central Railroad Ltd. (formerly known as the Chicago and Northwestern Railroad Company), being located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) and the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼), Section 33, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Southeast corner of Lynndale Drive and Leonard Street and being the point of beginning; Thence S.00°02'W. 1092.00 feet m/l along the East line of Lynndale Drive to the Northwesterly line of the Wisconsin Central Railroad Ltd. r/w;

Thence S.57°06'W. 95.32 feet, along the Northwesterly line of the Wisconsin Central Railroad Ltd. r/w to the West line of Lynndale Drive;

Thence N.00°02'E. 1143.77 feet m/l along the West line of Lynndale Drive to the Westerly extension of the South line of Leonard Street;

Thence N.90°00'E. 80.00 feet along said extension to the point of beginning.

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.